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SEA

SERVICE DATE – OCTOBER 17, 2005

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-314 (Sub-No 3X)

**Chicago, Central & Pacific Railroad Company–Abandonment Exemption–
in Linn County, Iowa**

BACKGROUND

In this proceeding, Chicago, Central & Pacific Railroad Company (CC&P) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Cedar Rapids, Linn County, Iowa. The line extends approximately 0.79 miles from milepost 87.74 at 16th Street N.E. to the end of the track at milepost 88.53 near 20th Street N.E. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to CC&P, the line was constructed in 1865 by a predecessor of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company. The line is located in a well-developed, partially-industrialized area within the mid-sized city of Cedar Rapids. The right-of-way is generally 75 feet wide, and there is a high school and recreation field near the northern end of the line. CC&P states that there are no shippers on the line and no commodities have originated or terminated on the line for over two years. In addition, there is no overhead traffic.

CC&P states that no hazardous materials have been transported on the line for several years and therefore, no such shipments would be diverted as a result of the proposed abandonment. Moreover, there are no known hazardous waste sites or known hazardous material spills on the right-of-way. Abandonment of the line would allow the closure of two inactive public highway crossings, as well as two inactive private crossings.

The line is laid with 90-pound rail and is classified as Federal Railroad Administration excepted track. Upon receiving authority to abandon the line, CC&P intends to transfer the line (including rail and track materials) and the underlying right-of-way to Cedarapids, Inc., which owns facilities that parallel the line. CC&P does not believe that the property is suitable for

other public purposes, since the property is proposed for abandonment in order to allow the above-mentioned transfer.¹

ENVIRONMENTAL REVIEW

CC&P submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CC&P served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)].² The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

As stated above, no traffic has moved on the line segment within the last two years. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

The National Geodetic Survey (NGS) stated that no geodetic station markers would be affected by the proposed abandonment. Accordingly, no mitigation measures are recommended.

CC&P states that no wetlands are located in or along the right-of-way and it is not aware of any 100-year floodplains that would be affected by the proposed abandonment. In addition, the line does not cross any bodies of water. The United States Army Corps of Engineers, Rock Island District (Corps) concluded that the proposed abandonment would not involve the discharge of fill material in waters of the United States. Therefore, a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would not be required. However, the Corps did recommend that the railroad contact the United States Fish and Wildlife Service, Rock Island Office to determine whether any Federally listed endangered species would be impacted by the proposed abandonment. The Corps also recommended consultation with the Iowa State Historic Preservation Office in order to determine impacts to historic properties. These concerns are addressed below.

The United States Fish and Wildlife Service, Rock Island Office reviewed the proposed abandonment and indicated that it has no objection. Accordingly, no mitigation measures were recommended.

The Iowa Department of Agriculture and Land Stewardship submitted a letter

¹ CC&P states that it plans to transfer the line to Cedarapids, Inc. as part of a settlement agreement that will resolve litigation between the two parties.

² The Environmental and Historic Reports are available on the Board's web site at www.stb.dot.gov and may be viewed under the "E-LIBRARY" link by clicking on "Filings."

acknowledging the opportunity to review and comment on the proposed abandonment. However, no mitigation measures were recommended as of the date of this Environmental Assessment.

Linn County Planning and Development submitted comments stating that the proposed project is not within its jurisdiction, but stated that it foresees no adverse environmental impacts as a result of the proposed abandonment. Accordingly, no mitigation measures were recommended.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the State Historical Society of Iowa (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). In the report, CC&P stated that there are no buildings, bridges, or structures on the line that are 50 years old or older. However, the SHPO has indicated that it is still reviewing the proposed abandonment. Pending completion of the SHPO's review, we recommend a condition to ensure compliance with the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONDITIONS

SEA recommends that the following environmental condition be placed on any decision granting abandonment authority:

1. Chicago, Central & Pacific Railroad Company (CC&P) shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public

use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-314 (Sub-No. 3X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Christa Dean, the environmental contact for this case, by phone at (202) 565-1606, fax at (202) 565-9000, or e-mail at deanc@stb.dot.gov.

Date made available to the public: October 17, 2005.

Comment due date: November 1, 2005.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment